

Case T-243/01 DEP

Sony Computer Entertainment Europe Ltd

v

Commission of the European Communities

(Procedure — Taxation of costs)

Order of the Court of First Instance (Third Chamber), 18 March 2005 . . . II - 1109

Summary of the Order

Procedure — Costs — Taxation — Recoverable costs — Definition — Elements to be taken into consideration

(Rules of Procedure of the Court of First Instance, Art. 91(b))

It follows from Article 91(b) of the Rules of Procedure of the Court of First Instance that recoverable costs are limited to those incurred for the purpose of the proceedings before the Court of First Instance and which were necessary for that purpose.

In the absence of Community provisions laying down fee scales, the Court must make an unfettered assessment of the facts of the case, taking into account the purpose and nature of the proceedings, their significance from the point of view of Community law, as well as the difficulties presented by the case, the amount of work generated by the case for the agents or advisers involved and the financial interest which the parties had in the proceedings. In that respect, the ability of the Court to assess the value of work carried out is dependent on the accuracy of the information provided.

The Community judicature is not empowered to tax the fees payable by the parties to their own lawyers but it may determine the amount of those fees which may be recovered from the party ordered to pay the costs. In ruling on the application for taxation of costs, the Court is not obliged to take account of any national scales of lawyers' fees or any agreement in relation to fees concluded between the party concerned and his agents or advisers.

(see paras 21-23)